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10/579,447	05/16/2006	Ikue Yamashita	278542007000	8452

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EXAMINER
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ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 September 2009</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3 and 4</u> is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1, 3-4</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed on 9/28/2009 has been entered. Claims 1 and 4 have been amended. Claim 2 is cancelled. Claims 1, 3-4 are still pending in this application.

Response to Arguments

2.   Applicant's arguments filed 9/28/2009 have been fully considered but they are not persuasive.

Hansen discusses a communication unit having an open and closed state, and various functions associated with the open/close states wherein a key locking function may be enabled upon an operation and disabled temporarily upon another operation. In an analogous art, the Instruction Manual discloses a key locking function being disabled temporarily which suggests that the locking function is enabled at some point in the future. Elomaa is brought to show it is well known in the art that key functions are disabled automatically after certain idle time. Therefore the references indeed discloses "a mobile communication device having an openable/closable case, a plurality of first operation units that are operable regardless of whether the case is opened or closed, a plurality of second operation units that are operable only when the case is opened, and a locking function for disabling processing associated with operation of the first and second operation units, comprising: an opened/closed detection unit operable to detect an opened/closed state of the case; a judging unit operable to judge whether a predetermined operation has been performed on at least one of the first operation units

with the case in a closed state and the locking function enabled; and

an operation control unit operable, when the judging unit has judged in the affirmative,

to enable processing associated with operation of at least one of the first operation units

by temporarily canceling the locking function, wherein the operation control unit disables

the enabled processing associated with operation of the at least one first operation

units, if the at least one first operation units is not operated within a predetermined time

period or if the case is opened".

Therefore, the argued limitations read upon the cited references or are written

broad such that they read upon the cited references, as follow.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hansen (US6370362), in view of A5306ST Instruction Manual, herein after referred as

Instruction Manual, cited by applicant's IDS, and evidenced by Elomaa (US 6892081).

Regarding claim 1, Hansen discloses a mobile communication device having an

openable/closable cover, a plurality of first operation units that are operable regardless

of whether the cover is opened or closed, a plurality of second operation units that are

operable only when the case is opened, and a locking function for disabling processing

associated with operation of the operation units (see e.g. col. 4 lines 3-25 and Fig. 1, 2

and 10, multiple keys that perform multiple functions when the cover is open or closed),

comprising: an opened/closed detection unit operable to detect an opened/closed state

of the cover (col. 2 lines 30-43 and col. 7 lines 5-12); a judging unit operable to judge

whether a predetermined operation has been performed on at least one of the operation

units with the cover in a closed state and the locking function enabled (col. 7 lines 5-12,

a soft key is pressed when the slide cover is closed and locking function enabled),

an operation control unit operable, when the judging unit has judged in the affirmative,

to enable processing associated with operation of at least one of the operation units by

temporarily canceling the locking function (at least see col. 7 lines 5-30, pressing a left

soft key when the slide cover is closed and locking function is enabled causes the

locking function to be cancelled).

Hanson teaches a sliding openable and closable cover but fails to teach

openable and closable case. Instruction Manual teaches openable and closable case

(see figures on page 6).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time the invention was made to modify the structure of the mobile phone by

changing the sliding openable and closable cover to an openable and closable case, as

taught by Instruction Manual, thus allowing user to flip the phone open instead of

sliding, and thus making the mobile phone more user-friendly.

In addition, Hanson discloses disabling certain functions after a predetermined

period of time (col. 7 lines 5-12). Instruction Manual discloses disabling the lock if the

cover is opened (see page 3 of the selectively scanned document provided by the applicant, disabling the enabled locking function if the cover is opened). But Hanson and Instruction Manual do not specifically disclose "the operation control unit disables the enabled processing associated with operation of the at least one operation unit, if the at least one operation unit is not operated within a predetermined time period or if the cover is opened".

However, it is well known in the art that disabling the enabled processing when the operation unit is not operated within a predetermined time period, as evidenced by Elomaa. Elomaa discusses a mobile phone locks the keys after the phone becomes inactive (see e.g. col. 3 lines 28-43 and col. 4 line 25-col. 5 line 8).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to disable the key function after the phone becomes inactive, as taught by Elomaa, thus preventing accidental or unauthorized terminal functions (col. 3 lines 28-43).

Regarding claim 4, Hansen discloses a method for controlling a mobile communication device having an openable/closable cover, a plurality of operation units that are operable regardless of whether the cover is opened or closed, and a locking function for disabling processing associated with operation of the operation units (col. 4 lines 3-25 and Fig. 1, 2 and 10, multiple keys that perform multiple functions when the cover is open or closed), comprising the steps of: detecting an opened/closed state of the cover (col. 2 lines 30-43 and col. 7 lines 5-12); judging whether a predetermined operation has been performed on at least one of the operation units with the cover in a

closed state and the locking function enabled(col. 7 lines 5-12); when the judging unit

has judged in the affirmative, enabling processing associated with operation of at least

one of the operation units by temporarily canceling the locking function (col. 7 lines 5-

30, pressing a left soft key when the slide cover is closed and locking function is

enabled causes the locking function to be cancelled).

Hanson teaches a sliding openable and closable cover but fails to teach

openable and closable case. Instruction Manual teaches openable and closable case

(see figures on page 6).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time the invention was made to modify the structure of the mobile phone by

changing the sliding openable and closable cover to an openable and closable case, as

taught by Instruction Manual, thus allowing user to flip the phone open instead of

sliding, and thus making the mobile phone more user-friendly.

In addition, Hanson discloses disabling certain functions after a certain period of

time (col. 7 lines 5-12). Instruction Manual discloses disabling the lock if the cover is

opened (see page 3 of the selectively scanned document provided by the applicant,

disabling the enabled locking function if the cover is opened). But Hanson and

Instruction Manual does not specifically disclose the operation control unit disables the

enabled processing associated with operation of the at least one operation unit, if the at

least one operation unit is not operated within a predetermined time period or if the

cover is opened.

However, it is well known in the art that disabling the enabled processing when the operation unit is not operated within a predetermined time period, as evidenced by Elomaa. Elomaa discusses a mobile phone locks the keys after the phone becomes inactive (col. 3 lines 28-43 and col. 4 line 25-col. 5 line 8).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to disable the key function after the phone becomes inactive, as taught by Elomaa, thus preventing accidental or unauthorized terminal functions (col. 3 lines 28-43).

Regarding claim 3, combination of Hansen and Instruction Manual discloses the mobile communication device having a main screen operable to display information with the case in an opened state and a sub-screen operable to display information with the case in a closed state, wherein the first operation units include an operation unit provided on a same surface as the sub-screen and a side key provided on a main body lateral surface, and processing associated with operation of the operation unit provided on the same surface as the sub-screen is disabled when the lock function is enabled (see page 6 of the selectively scanned Instruction Manual provided by the applicant for main screen and sub-screen).

Conclusion

1.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KATHY WANG-HURST whose telephone number is

(571) 270-5371. The examiner can normally be reached on Monday-Thursday, 7:30am-

5pm, alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHY WANG-HURST/
Examiner, Art Unit 2617

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